

Before the  
Federal Communications Commission  
Washington, D.C. 20554

LETTER  
June 4, 1993

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Mr. Larry Ellis Reed  
1723 W. Broadway, Apt. B  
Winona, Minnesota 55987-2020

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93030058

Cary S. Tepper, Esquire  
Meyer, Faller, Weisman and Rosenberg, P.C.  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015

Gentlemen:

This is in reference to the complaints filed by Larry Ellis Reed against Armada Broadcasting Company, licensee of radio stations WNNO (AM/FM), Wisconsin Dells, Wisconsin, alleging that Armada is in violation of the Commission's multiple ownership rules by operating a daily newspaper, the *Dells-Delton Daily*, which serves the same community as the radio stations. Armada responded that although it publishes the *Daily* on a daily (except Sunday) basis, it does not constitute a "newspaper" for purposes of the multiple ownership rule's cross-ownership prohibition, because it is printed by desktop publishing methods, it serves only a fraction of WNNO's listening audience, its emphasis is on community affairs, rather than local news stories, and it does not qualify as a newspaper under state law. Armada also requests a declaratory ruling on the following points:

(1) Is there an exact circulation number or circulation/population formula for the *Dells-Delton Daily* that would invoke § 73.3555?

(2) Irrespective of circulation, are there content criteria for a publication to be considered a "newspaper" for purposes of § 73.3555?

(3) Do local or state regulations have any impact on the Commission's determinations in this area?

The radio/newspaper cross-ownership rule, contained in the Commission's multiple ownership rule at Section 73.3555(c)(1) and (c)(2), states:

(c) No license for an AM, FM or TV broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates, or controls a daily newspaper and the grant of such license will result in:

(1) The predicted or measured 2 mV/m contour for an AM station, computed in accordance with § 73.186, encompassing the entire community in which such newspaper is published; or

(2) The predicted 1 mV/m contour for an FM station, computed in accordance with § 73.313, encompassing the entire community in which such newspaper is published.

Note 6 to § 73.3555 defines "daily newspaper" as one which is published four or more days per week, which is in the English language and which is circulated generally in the community of publication.

We agree with Armada that the *Dells-Delton Daily* is not a "daily newspaper" for purposes of the cross-ownership rule. In adopting the rule, the Commission stated:

Not all print media are equal or are generally circulated. Thus, we do not believe that weekly newspapers or specialized publications (including foreign language dailies) need to be included in the prohibitions we are adopting. Their situation would be different, for much of the audience of a station owned by such an entity would receive that entity's views for the first time. Each such publication is a relatively unimportant fraction of the media mix in a particular area. For this reason and because of the sheer size of daily newspapers, we shall limit the rule to daily newspapers of general circulation.

*Multiple Ownership Rules*, 50 FCC 2d 1046, 1075 (1975)(subsequent history omitted). As Armada points out, the *Daily's* current circulation is 160, a fraction of the listening audience of its stations (227,000 daytime, 29,000 nighttime). Although some of the listenership of stations WNNO (AM/FM) also read the *Daily*, its circulation is so small that it does not appear to reach the level of an "important fraction of the media mix" in Wisconsin Dells. *Id.* It is, at best, a secondary source of local information. Thus, we do not consider the *Daily* a newspaper of "general" circulation in the community. Second, the *Daily's* emphasis on community affairs, rather than local news differentiates it from the types of newspapers the Commission has considered in its cross-ownership rulings. See, e.g., *Twentieth Holdings Corp.*, 61 RR 2d 1484 (1986)(Boston Herald considered "daily newspaper"); *Evening News Association*, 59 RR 2d 1054 (1986)(rule not applicable to national newspaper). Nor does it appear to represent any editorial viewpoint, as would a daily newspaper. As such, it does not raise the diversity concerns the Commission was targeting in adopting the cross-ownership prohibition.

In view of our conclusion regarding the *Dells Delton Daily*, we find it unnecessary to issue a declaratory ruling regarding the publication. Accordingly, the complaint filed by Larry Ellis Reed against Armada Broadcasting Company IS HEREBY DENIED.

Sincerely,

Edythe Wise, Chief  
Complaints & Investigations Branch  
Enforcement Division  
Mass Media Bureau